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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:)
)
Takeyuki AMARI et al.) Group Art Unit: 2841
)
Application No.: 09/964,536)
)
Filed: September 28, 2001) Examiner: H. Bui
)
For: AUDIO RACK FOR A VEHICLE)
)

Mail Stop Appeal Brief--Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TRANSMITTAL OF APPEAL BRIEF (37 C.F.R. 41.37)

Transmitted herewith is the APPEAL BRIEF in this application with respect to the
Notice of Appeal filed on September 29, 2004.

This application is on behalf of:

☐ Small Entity ☒ Large Entity

Pursuant to 37 C.F.R. 41.20(b)(2), the fee for filing the Appeal Brief is:

☐ \$170.00 (Small Entity) ☒ \$340.00 (Large Entity)

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PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this Appeal Brief, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916.

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 29, 2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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In re Application of:)	
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Takeyuki AMARI et al.)	Group Art Unit: 2841
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Serial No.: 09/964,536)	Examiner: H. Bui
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Filed: September 28, 2001)	Confirmation No.: 3270
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For: AUDIO RACK FOR A VEHICLE)	

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

This is an appeal to the Board of Patent Appeals and Interferences ("the Board") from the final Office Action dated June 30, 2004 ("Final Office Action"), finally rejecting claims 2-4, 6-9, and 11-23, in the above-referenced patent application. Pursuant to 37 C.F.R. § 41.37, Appellants submit one copy of this Appeal Brief (37 C.F.R. § 41.37(a)(1); Rules of Practice Before the Board of Patent Appeals and Interferences, 69 *Fed. Reg.* 49962 (Aug. 12, 2004) (to be codified at 37 C.F.R. Parts 1, 5, 10, 11 and 41)), accompanied by the fee (\$340.00) set forth in 37 C.F.R. § 41.20(b)(2).

A Notice of Appeal was filed on September 29, 2004, and this Appeal Brief is being timely filed within two months from the filing date of the Notice of Appeal under 37 C.F.R. § 41.31.

TABLE OF CONTENTS

	<u>Page No.</u>
I. Real Party in Interest	3
II. Related Appeals and Interferences.....	4
III. Status of Claims.....	5
IV. Status of Amendments.....	6
V. Summary of Claimed Subject Matter	7
A. Claim 2	7
B. Claim 11	8
C. Claim 12	8
VI. Grounds of Rejection to be Reviewed on Appeal.....	10
VII. Argument	11
A. Rejection of claims 2-4, 6-9, and 11-23 under 35 U.S.C. § 112, second paragraph, should be reversed because the claims particularly point out and distinctly claim the subject matter which Applicants regard as the invention	11
B. Rejection of claim 11 under 35 U.S.C. § 102(b) should be reversed because Ponticelli fails to disclose each and every element recited in claim 11	13
C. Rejection of claims 12 under 35 U.S.C. § 103(a) should be reversed because the Examiner has failed to establish a <i>prima</i> <i>facie</i> case of obviousness	15
1. Factual inquiries to determine obviousness.....	15
2. Ponticelli does not teach all of the claimed subject matter	18
3. There is no suggestion or motivation in Ponticelli to modify its alleged teachings	19
4. There is no reasonable expectation of success in Ponticelli in modifying its alleged teachings	21
5. Summary	21
D. Conclusion	22
VIII. Claims Appendix	23
IX. Evidence Appendix	32
X. Related Proceedings Appendix.....	33

I. **Real Party in Interest**

The real party in interest is YAZAKI CORPORATION, the assignee of the entire right, title, and interest in the application.

II. Related Appeals and Interferences

Appellants, Appellants' legal representatives, and assignee are aware of no other appeals, interferences, or judicial proceedings that may be related to, directly affect, be directly affected by, or have a bearing on the Board's decision in this appeal.

III. Status of Claims

Claims 2-4, 6-9, and 11-23 are pending in this application. Claims 2-4, 6-9, and 11-23, as set forth in the Claims Appendix, have been finally rejected in the Final Office Action and the rejections applied to those claim are at issue in this appeal.

The Final Office Action indicates that claim 2 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112, second paragraph. The Final Office Action also indicates that claims 3, 4, 6-9, and 13-23 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

IV. Status of Amendments

No amendments under 37 C.F.R. § 1.116 have been filed subsequent or in response to the Final Office Action.

V. Summary of Claimed Subject Matter

A. Claim 2

The subject matter set forth in claim 2 relates to an audio rack for a vehicle into which a plurality of electrical equipment is removably installable. According to an aspect of the invention, the audio rack 61 comprises a first storage location 62 having a first width defined by two first side surfaces for accepting a first electrical equipment 66 (such as, for example, a CD drive) having a first width size. Figs. 1, 3-5, and 8; page 2, lines 3-6; page 6, lines 10-16 and 20-22.¹ The audio rack 61 also comprises a second storage location 63 for accepting a second electrical equipment 69, 81 (such as, for example, an MD drive or a radio amplifier) having a second width size that is different from the first width size. The second storage location 63 has a second width defined by two second side surfaces, and the second width is smaller than the first width of the first storage location 62. Figs. 1, 3-5, and 8; page 2, lines 3-10; page 6, lines 10-16; page 7, lines 7-9. The audio rack 61 further comprises a controller 71 (such as, for example, a control board) that is disposed in the space at a side of the second storage location 63 within the audio rack 61 that is not occupied by the first and second storage locations 61, 63. Figs. 1-6 and 8; page 2, lines 17-20; page 7, lines 25-29. The audio rack 61 further comprises a connection unit 94, which makes an electrical connection between the first electrical equipment 66 in the first storage location 62 and the controller 71, and an electrical connection between the second electrical equipment 69 in the second storage location 63 and the controller 71, wherein the controller 71 controls the first and

¹ The references to the specification and drawings in this Brief are merely intended to facilitate explaining how the originally-filed application provides exemplary embodiments and exemplary disclosure relating to the claimed subject matter. Those references should not be construed as limiting the claims.

second electrical equipments 66, 69 via the connection unit 94. Figs. 2 and 7; page 2, lines 17-18 and lines 20-26; page 11, lines 15-18.

B. Claim 11

The subject matter set forth in independent claim 11 relates to an audio rack of a vehicle configured to receive a plurality of electrical equipments. According to an aspect of the invention, the audio rack 61 comprises a first storage space 62 of the audio rack 61 having a first width defined by two first side surfaces and configured to receive a first electrical equipment 66 having a width slightly less than the first width. Figs. 1, 3-5, and 8; page 2, lines 3-6; page 6, lines 10-16 and 20-22. The audio rack 61 further comprises a second storage space 63 of the audio rack 61 having a second width defined by two second side surfaces. The second width is smaller than the first width and is configured to receive a second electrical equipment 69, 81 having a width slightly less than the second width. Figs. 1, 3-5, and 8; page 2, lines 3-10; page 6, lines 10-16; page 7, lines 7-9. Each of the first width and the second width is uniform along the depth of the respective storage space, and one of the first and second storage spaces 62, 63 is disposed on the top of the other. Figs. 1-6 and 8; page 2, lines 6-8; page 6, lines 15-16.

C. Claim 12

The subject matter set forth in independent claim 12 relates to an audio rack of a vehicle configured to receive a plurality of electrical equipments. According to an aspect of the invention, the audio rack 61 comprises a first storage space 62 of the audio rack 61 having a first width defined by two first side surfaces and configured to receive a first electrical equipment 66 having a width slightly less than the first width.

Figs. 1, 3-5, and 8; page 2, lines 3-6; page 6, lines 10-16 and 20-22. The audio rack 61 further comprises a second storage space 63 of the audio rack 61 having a second width defined by two second side surfaces. The second width is smaller than the first width and is configured to receive a second electrical equipment 69, 81 having a width slightly less than the second width. Figs. 1, 3-5, and 8; page 2, lines 3-10; page 6, lines 10-16; page 7, lines 7-9. The audio rack 61 further comprises a third storage space (i.e., inside the dividing wall 64) located adjacent to the second storage space 63 in the width direction. Figs. 1-6 and 8. One of the first and second storage spaces 62, 63 is disposed on the top of the other. Figs. 1-6 and 8; page 2, lines 6-8; page 6, lines 15-16.

VI. Grounds of Rejection to be Reviewed on Appeal

Claims 2-4, 6-9, and 11-23 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claim 11 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,742,978 to Ponticelli ("Ponticelli").

Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ponticelli.

VII. Argument

A. **Rejection of claims 2-4, 6-9, and 11-23 under 35 U.S.C. § 112, second paragraph, should be reversed because the claims particularly point out and distinctly claim the subject matter which Applicants regard as the invention**

Appellants submit that claims 2-4, 6-9, and 11-23 particularly point out and distinctly claim the subject matter which Appellants regard as the invention.

Nevertheless, in the Final Office Action, regarding claims 2, 11, and 12, the Examiner alleges that these claims fail to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In support of this allegation, the Examiner alleged, without providing any sufficient reasoning thereof, that “applicant should clarify the specific structure of the first and second storage location widths.” Appellants disagree and submit that, contrary to the Examiner’s allegation, each of claims 2, 11, and 12 fully satisfies the requirements of 35 U.S.C. § 112, second paragraph.

In reviewing a claim for compliance with 35 U.S.C. 112, second paragraph, the Examiner must consider the claim as a whole to determine whether the claim meets the threshold requirements of clarity and precision, not whether more suitable language or modes of expression are available. Moreover, some latitude in the manner of expression should be permitted even if the claim language is not as precise as the Examiner might desire. While the terms and expressions in the claims may not be what the Examiner would have selected, the claims should not be rejected solely for that reason. M.P.E.P. § 2173.02.

Furthermore, if one skilled in the art is able to ascertain the metes and bounds of the claim scope in light of the specification, 35 U.S.C. 112, second paragraph, is

satisfied. If the language used by Applicant satisfies the statutory requirements of 35 U.S.C. 112, second paragraph, but the Examiner merely wants Applicant to improve the clarity or precision of the language used, the claim must not be rejected under 35 U.S.C. 112, second paragraph, rather, the Examiner should suggest improved language to Applicant. Id.

In the present case, the Examiner does not provide any sufficient reasoning as to why the claims are "vague and indefinite." Nor does he offer any sufficient reasoning as to why "applicant should clarify the specific structure of the first and second storage location widths." Contrary to the Examiner's allegation, Applicants respectfully submit that the claims, without any additional structural recitations, particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

For example, each of claims 2, 11, and 12 includes sufficient structural recitations with respect to the widths of first and second storage locations or spaces. More specifically, in each of claims 2, 11, and 12, the first width of the first storage location (or space) is defined by two first side surfaces, and the width of the second storage location (or space) is defined by two second side surfaces. As is abundantly clear, each of claims 2, 11, and 12 adequately enables one of ordinary skill in the art to ascertain the metes and bounds of the claim scope in light of the specification and satisfies the requirements of 35 U.S.C. 112, second paragraph.

Appellants submit that the Examiner's allegation that "applicant should clarify the specific structure of the first and second storage location widths" is an unsuccessful attempt by the Examiner to improperly limit the scope of the claims by requiring some

additional structure other than what is necessary to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

The Examiner is clearly equating indefiniteness of a claim with the its breadth. However, breadth of a claim is not to be equated with indefiniteness. In re Miller, 441 F.2d 689, 169 USPQ 597 (CCPA 1971). If the scope of the subject matter embraced by the claims is clear, and if applicants have not otherwise indicated that they intend the invention to be of a scope different from that defined in the claims, then the claims comply with 35 U.S.C. 112, second paragraph.

Apparently, the Examiner believes that the terms and expressions in the claims are not what the Examiner would have used. As mentioned above, however, the claims should not be rejected solely for that reason.

For the reasons set forth above, Appellants submit that the rejection of claims 2, 11, and 12 under 35 U.S.C. § 112, second paragraph, is clearly erroneous and should be reversed.

B. Rejection of claim 11 under 35 U.S.C. § 102(b) should be reversed because Ponticelli fails to disclose each and every element recited in claim 11

In order for a claim to be anticipated by a prior art reference under 35 U.S.C. § 102, each and every element in the claim must be found, either expressly or inherently, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); and the identical invention must be shown in as complete detail as is contained in the claim. Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1929 (Fed. Cir. 1989). See also

M.P.E.P. § 2131. As discussed below, Ponticelli does not anticipate claim 11 because it fails to disclose each and every element recited in that claim.

As discussed above, claim 11 recites, among other things, “a first storage space of the audio rack having a first width defined by two first side surfaces and configured to receive a first electrical equipment having a width slightly less than the first width,” “a second storage space of the audio rack having a second width defined by two second side surfaces, the second width being smaller than the first width and configured to receive a second electrical equipment having a width slightly less than the second width,” and “each of the first width and the second width being uniform along the depth of the respective storage space.”

Ponticelli discloses a mounting kit suitable for installing a variety of different model radios in different vehicles. The kit includes a rectangular frame 15 having opposing top and bottom walls 16, 17 and opposing side walls 18, 19, and a front panel 23 for use with a particular radio installation.

As is apparent, the rectangular frame 15 defines only one storage space with only one width defined by opposing side walls 18, 19, and, therefore, there can be no separate first and second storage spaces that have different widths defined by two different side surfaces, as recited in claim 11.

Nevertheless, in the Final Office Action, while it is unclear², the Examiner appears to have construed that the two openings formed in the front panel 23 and the spaces extending therefrom into the frame 15 correspond to the recited “first storage space” and “second storage space” of claim 11. The two openings and the spaces

2 In the Final Office Action, the Examiner has failed to specifically point out which element of Ponticelli corresponds to each of the recited elements of claim 11. The Examiner merely refers to Fig. 5 of Ponticelli and alleges that Ponticelli discloses all the claimed elements of claim 1.

extending therefrom, however, do not have the uniform widths along the depths of their respective storage spaces, as recited in claim 11.

Worth mentioning is that the Examiner might have construed that the two openings of the front panel 23 alone correspond to the recited “first storage space” and “second storage space” of claim 11. The two openings, however, are not storage spaces of an audio rack that are configured to receive electrical equipments, as recited in claim 11. Therefore, one of ordinary skill in the art considering the Ponticelli’s mounting kit would not consider the two openings of the front panel 23 as corresponding to the recited “storage spaces.”

For at least the reasons discussed above, Ponticelli does not disclose each and every element recited claim 11. Accordingly, Appellants submit that the rejection of claim 11 under 35 U.S.C. § 102(b) is improper and erroneous. Therefore, the 35 U.S.C. § 102(b) rejection of claim 11 should be reversed.

C. Rejection of claims 12 under 35 U.S.C. § 103(a) should be reversed because the Examiner has failed to establish a *prima facie* case of obviousness

1. Factual inquiries to determine obviousness

Several basic factual inquiries must be made in order to determine the obviousness or non-obviousness of claims of a patent application under 35 U.S.C. § 103. These factual inquiries, set forth in Graham v. John Deere Co., 383 U.S. 1, 17 (1966), require the Examiner to:

- (1) Determine the scope and content of the prior art;
- (2) Ascertain the differences between the prior art and the claims in issue;
- (3) Resolve the level of ordinary skill in the pertinent art; and

(4) Evaluate evidence of secondary considerations.

The obviousness or nonobviousness of the claimed invention is then evaluated in view of the results of these inquiries. Id. at 17-18. In making this evaluation, the references must be considered as a whole, and must suggest the desirability and thus the obviousness of making the combination. See M.P.E.P. § 2141. The references must also be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention. Id. Additionally, a reasonable expectation of success is the standard with which obviousness is determined. Id. Furthermore, the Examiner bears the initial burden of factually supporting a determination of obviousness in the rejection of the claimed invention. See M.P.E.P. § 2142.

Thus, in order to carry the initial burden of establishing a *prima facie* case of obviousness that satisfies the Graham standard, the Examiner must satisfy three basic criteria. First, the prior art references when combined must teach or suggest all the claim elements. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Finally, there must be a reasonable expectation of success. See M.P.E.P. § 2143.

Further, the Federal Circuit has emphasized the high burden for establishing a *prima facie* case of obviousness and the requirement for specificity in the evidence necessary to support a *prima facie* case. For example, in In re Kotzab, the Federal Circuit held that “[e]ven where obviousness is based on a single prior art reference teaching all of the individual elements of the claims, there must be a showing of a suggestion or motivation to modify the teachings of that reference. In re Kotzab, 217

F.3d 1365, 1370, 55 U.S.P.Q.2d 1313, 1317 (Fed. Cir. 2000). Whether this showing is based on an implicit or express showing in the reference, the Examiner "must provide particular findings related thereto." Id. (citing In re Dembiczak, 175 F.3d 994, 999, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999)(requiring a "clear and particular" suggestion to combine or modify prior art references). In re Kotzab also notes the well known proposition that "broad conclusory statements standing alone are not 'evidence'." Id.

Additionally, in In re Lee, the Federal Circuit held that "[t]he factual inquiry whether to combine references must be thorough and searching. It must be based on objective evidence of record. This precedent has been reinforced in myriad decisions, and cannot be dispensed with." 277 F.3d 1338, 1342, 61 U.S.P.Q.2d 1430, 1433 (Fed. Cir. 2002). Further, it is "never appropriate to rely solely on common knowledge in the art without evidentiary support in the record as the principal evidence upon which a rejection is based." See M.P.E.P. § 2144.03.E; See In re Zurko, 258 F.3d 1379, 1386, 59 U.S.P.Q.2d 1693, 1697 (Fed. Cir. 2001); In re Ahlert, 424 F.2d 1088, 1092, 165 U.S.P.Q. 418, 421 (C.C.P.A. 1970).

Also, simply because references can be modified or combined is not sufficient basis to establish a *prima facie* case of obvious. In re Mills, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990); M.P.E.P. § 2143.01. And even if the claimed limitations are within the capabilities of one skilled in the art, such capabilities, by themselves, are not sufficient to establish a *prima facie* case of obviousness. In re Kotzab, 217 F.3d at 1370, 55 U.S.P.Q.2d at 1318; M.P.E.P. § 2143.01.

For the reasons set forth below, the Examiner has failed to meet the burden of establishing a *prima facie* case of obviousness.

2. Ponticelli does not teach all of the claimed subject matter

In order to carry the initial burden of establishing a *prima facie* case of obviousness under 35 U.S.C. § 103(a), the Examiner must show that the prior art references, when combined, teach or suggest all the claim elements. See M.P.E.P. § 2143.

Claim 12 recites, among other things, “a first storage space of the audio rack having a first width defined by two first side surfaces and configured to receive a first electrical equipment having a width slightly less than the first width,” “a second storage space of the audio rack having a second width defined by two second side surfaces, the second width being smaller than the first width and configured to receive a second electrical equipment having a width slightly less than the second width,” and “a third storage space located adjacent to the second storage space in the width direction.”

As discussed above, Ponticelli discloses a rectangular frame 15 that defines only one storage space with only one width defined by opposing side walls 18, 19. Therefore, there can be no separate first and second storage spaces that have different widths defined by two different side surfaces, as recited in claim 12.

Moreover, Ponticelli does not disclose, among other things, a third storage space located adjacent to the second storage space in the width direction, as recited in claim 12. While the Examiner alleges that “[i]t would have been obvious ... to add an additional storage space in the rack of Ponticelli in order to accommodate additional components within the rack,” the alleged modification still does not teach, or otherwise suggest, that the third storage space is located “adjacent to the second storage space in the width direction.”

For at least these reasons, Appellants submit that the Examiner has failed to carry the initial burden of establishing a *prima facie* case of obviousness under 35 U.S.C. § 103(a). Thus, the rejection of independent claim 12 under 35 U.S.C. § 103(a) based on Ponticelli should be reversed.

3. There is no suggestion or motivation in Ponticelli to modify its alleged teachings

In order to carry the initial burden of establishing a *prima facie* case of obviousness under 35 U.S.C. § 103(a), the Examiner must show that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. See M.P.E.P. § 2143.

Even where an allegation of obviousness is based on a single prior art reference, there must be a showing of a suggestion or motivation to modify the teachings of that reference. In re Kotzab, 217 F.3d 1365, 1370, 55 U.S.P.Q.2d 1313, 1317 (Fed. Cir. 2000). Whether this showing is based on an implicit or express showing in the reference, the Examiner “must provide particular findings related thereto.” Id. (citing In re Dembiczak, 175 F.3d 994, 999, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999)(requiring a “clear and particular” suggestion to combine or modify prior art references). Moreover, “broad conclusory statements standing alone are not ‘evidence’.” Id.

In the present case, the Examiner has completely disregarded the above-discussed standard for establishing a *prima facie* case of obviousness. For example, in the Final Office Action, while admitting the Ponticelli’s deficiency with respect to the recited “third storage space located adjacent to the second storage space in the width direction,” the Examiner alleges that “[i]t would have been obvious ... to add an

additional storage space in the rack of Ponticelli in order to accommodate additional components within the rack.”

The Examiner’s alleged motivation (i.e., “to accommodate additional components within the rack”), however, is merely a conclusory statement and does not provide any plausible reasoning or any particular findings as to why accommodating additional components would have been desired by one of ordinary skill in the art considering Ponticelli. Contrary to the Examiner’s allegation, Applicants submit that one of ordinary skill in the art would not have been motivated to modify the teachings of Ponticelli in the manner proposed by the Examiner because, among other reasons, there is no “clear and particular” reasons to do so.

Furthermore, the Examiner does not provide any sufficient reasoning as to why one of ordinary skill in the art would have been motivated to modify the rack of Ponticelli to add an additional storage space “adjacent to the second storage space in the width direction.” Appellants submit that one of ordinary skill in the art, even if sufficiently motivated to add an additional storage space, would not be motivated to add that additional storage space “adjacent to the second storage space in the width direction” because there is no “clear and particular” reason to do so.

Appellants respectfully submit that the Examiner’s alleged motivation clearly reflects impermissible hindsight gleaned from the present application. When the alleged teachings of Ponticelli are viewed without such hindsight, the alleged modification of Ponticelli would not have been suggested since there is no “clear and particular” suggestion or motivation to make the Examiner’s proposed modification.

For at least these reasons alone, Appellants submit that the Examiner has failed to carry the initial burden of establishing a *prima facie* case of obviousness under 35 U.S.C. § 103(a). Thus, the rejection of independent claim 12 under 35 U.S.C. § 103(a) based on Ponticelli should be reversed.

4. There is no reasonable expectation of success in Ponticelli in modifying its alleged teachings

In order to carry the initial burden of establishing a *prima facie* case of obviousness under 35 U.S.C. § 103(a), the Examiner must show that there is a reasonable expectation of success. See M.P.E.P. § 2143. In the Final Office Action, however, the Examiner is completely silent as to the reasonable expectation of success in modifying the alleged teachings of Ponticelli.

For at least this reason alone, Appellants submit that the Examiner has failed to carry the initial burden of establishing a *prima facie* case of obviousness under 35 U.S.C. § 103(a). Thus, the rejection of independent claim 12 under 35 U.S.C. § 103(a) based on Ponticelli should be reversed.

5. Summary

Appellants maintain that a *prima facie* case of obviousness under 35 U.S.C. § 103(a) has not been established by the Examiner. As discussed above, the Examiner has failed to provide sufficient evidence to show: (1) that the prior art allegedly teaches or suggests all the claim elements; (2) that there is some alleged suggestion or motivation to modify the reference; and (3) that there is an alleged reasonable expectation of success. Accordingly, Appellants submit that the rejection of claim 12 under 35 U.S.C. § 103(a) should be reversed.

D. Conclusion

For the reasons given above, pending claims 2-4, 6-9, and 11-23 are patentable over the cited prior art. The Board is therefore respectfully requested to reverse the outstanding rejections under 35 U.S.C. §§ 112, second paragraph, 102(b), and 103(a), so that claims 2-4, 6-9, and 11-23 may be allowed.


To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this Appeal Brief, such extension is hereby respectfully requested. If there are any fees due which are not enclosed herewith, please charge such fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 29, 2004

By:


Reg. No. 28,220
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Garrett & Dunner, L.L.P.
Customer No. 22,852

VIII. Claims Appendix

2. An audio rack for a vehicle into which a plurality of electrical equipment is removably installable, comprising:

a first storage location having a first width defined by two first side surfaces for accepting a first electrical equipment having a first width size;

a second storage location for accepting a second electrical equipment having a second width size that is different from the first width size, the second storage location having a second width defined by two second side surfaces, the second width being smaller than the first width of the first storage location;

a controller that is disposed in the space at a side of the second storage location within the audio rack that is not occupied by the first and second storage locations; and

a connection unit, which makes an electrical connection between the first electrical equipment in the first storage location and the controller, and an electrical connection between the second electrical equipment in the second storage location and the controller,

wherein the controller controls the first and second electrical equipments via the connection unit.

3. An audio rack according to claim 2, wherein the connection unit comprises a first connector that is connected to the first electrical equipment in the first storage location and a second connector that is connected to the second electrical equipment in the second storage location.

4. An audio rack according to claim 3, wherein the first connector is fixed within the audio rack, and makes electrical connection with a connector of the first electrical equipment by the action of the first electrical equipment being inserted into the first storage location, and wherein the second connector is fixed within the audio rack, and makes electrical connection with a connector of the second electrical equipment by the action of the second electrical equipment being inserted into the second storage location.

6. An audio rack according to claim 4, further comprising:

a first guide, which is provided on an inner surface of the first storage location, and which slidably supports the first electrical equipment; and

a second guide, which is provided on an inner surface of the second storage location, and which slidably supports the second electrical equipment, wherein

the first guide guides the insertion of the first electrical equipment into the first storage location, and also establishes the position of the first electrical equipment within the first storage location in the width direction and in the height direction,

the second guide guides the insertion of the second electrical equipment into the second storage location, and also establishes the position of the second electrical equipment within the second storage location in the width direction and the height direction,

the first connector and the second connector have substantially the same shape,

the distance in the width direction between one of the first guides and the first connector in the width direction is equal to the distance between one of the second

guides on the same side of thereof as the one guide of the first guides and the second connector, and

the distance in the height direction from the one first guide and the first connector can be made equal to the distance in the height direction from the one second guide and the second connector.

7. An audio rack according to claim 6, further comprising:

a spacer, which is removably fixed with respect to the second electrical equipment on either the right side or the left side thereof,

wherein when the second electrical equipment, which is provided with the spacer, is inserted into the first storage location, it is slidably supported by the one first guide, with the other first guide slidably supporting the spacer, and

further wherein with the action of inserting the second electrical equipment into the first storage location, an electrical connection is made between the first connector and the connector of the second electrical equipment.

8. An audio rack according to claim 6, further comprising:

a spacer, which is removably fixed with respect to a third electrical equipment on either the right side or the left side thereof, the third electrical equipment having a width smaller than the width of the first storage location,

wherein when the third electrical equipment, which is provided with the spacer, is inserted into the first storage location, it is slidably supported by the one first guide, with the other first guide slidably supporting the spacer, and

further wherein with the action of inserting the third electrical equipment into the first storage location, an electrical connection is made between the first connector and a connector of the third electrical equipment.

9. An audio rack according to claim 6, wherein

the first guide is shaped as a groove, which can mate with a protrusion on the first electrical equipment, and

the second guide is shaped as a groove, which can mate with a protrusion on the second electrical equipment.

11. An audio rack of a vehicle configured to receive a plurality of electrical equipments, comprising:

a first storage space of the audio rack having a first width defined by two first side surfaces and configured to receive a first electrical equipment having a width slightly less than the first width;

a second storage space of the audio rack having a second width defined by two second side surfaces, the second width being smaller than the first width and configured to receive a second electrical equipment having a width slightly less than the second width; and

each of the first width and the second width being uniform along the depth of the respective storage space,

wherein one of the first and second storage spaces is disposed on the top of the other.

12. An audio rack of a vehicle configured to receive a plurality of electrical equipments, comprising:

a first storage space of the audio rack having a first width defined by two first side surfaces and configured to receive a first electrical equipment having a width slightly less than the first width;

a second storage space of the audio rack having a second width defined by two second side surfaces, the second width being smaller than the first width and configured to receive a second electrical equipment having a width slightly less than the second width; and

a third storage space located adjacent to the second storage space in the width direction,

wherein one of the first and second storage spaces is disposed on the top of the other.

13. An audio rack according to claim 12, further comprising:

a controller disposed in the third storage space; and

a connection unit having a first electrical connector connecting between the first electrical equipment and the controller and a second electrical connector connecting between the second electrical equipment and the controller,

wherein the controller controls the first and second electrical equipments via the connection unit.

14. An audio rack according to claim 13, wherein:

the first electrical connector is disposed within the first storage space and configured to electrically connect with the first electrical equipment when the first electrical equipment is inserted into the first storage space; and

the second electrical connector is disposed within the second storage space and configured to electrically connect with the second electrical equipment when the second electrical equipment is inserted into the second storage space.

15. An audio rack according to claim 12, wherein:

the first storage space includes a first pair of guides, each of the first pair of guides being disposed on each of the two first side surfaces for slidably supporting the first electrical equipment within the first storage space and for guiding the insertion of the first electrical equipment into the first storage space so as to position the first electrical equipment in a desired position within the audio rack; and

the second storage space includes a second pair of guides, each of the second pair of guides being disposed on each of the two second side surfaces for slidably supporting the second electrical equipment within the second storage space and for guiding the insertion of the second electrical equipment into the second storage space so as to position the second electrical equipment in a desired position within the audio rack.

16. An audio rack according to claim 15, further comprising:

a connection unit having a first electrical connector connecting between the first electrical equipment and the controller and a second electrical connector connecting between the second electrical equipment and the controller,

wherein a distance between one of the first pair of guides and the first electrical connector in the width direction is equal to a distance between one of the second pair of guides and the second electrical connector in the width direction.

17. An audio rack according to claim 15, further comprising:

a connection unit having a first electrical connector connecting between the first electrical equipment and the controller and a second electrical connector connecting between the second electrical equipment and the controller,

wherein a distance between one of the first pair of guides and the first electrical connector in the height direction is equal to a distance between one of the second pair of guides and the second electrical connector in the height direction.

18. An audio rack according to claim 16, further comprising a spacer removably attachable to a top or side surface of the second electrical equipment, wherein:

the second electrical equipment having the spacer attached is insertable into the first storage space;

one of the first pair of guides slidably supporting one side of the second electrical equipment and the other of the first pair of guides slidably supporting one side of the spacer; and

the first electrical connector is disposed within the first storage space such that the first electrical connector electrically connects with the second electrical equipment when the second electrical equipment is inserted into the first storage space.

19. An audio rack according to claim 16, further comprising a spacer removably attachable to a top or side surface of a third electrical equipment, wherein:

the third electrical equipment having the spacer attached is insertable into the first storage space;

one of the first pair of guides slidably supporting one side of the third electrical equipment and the other of the first pair of guides slidably supporting one side of the spacer; and

the first electrical connector is disposed within the first storage space such that the first electrical connector electrically connects with the third electrical equipment when the third electrical equipment is inserted into the first storage space.

20. An audio rack according to claim 16, wherein each of the first and second pair of guides includes a groove configured to mate with a protrusion formed on each of the first and second electrical equipments.

21. An audio rack according to claim 11, wherein at least one of the first and second storage spaces includes a pair of guides disposed on the respective first or second side surfaces for guiding at least one of the first and second electrical equipments into the

respective one of the first and second storage spaces, so as to position at least one of the first and second electrical equipments in desired positions within the audio rack.

22. An audio rack according to claim 12, wherein:

the first storage space has a first height configured to receive the first electrical equipment having a height slightly less than the first height; and

a second storage space has a second height larger than the first height and configured to receive a second electrical equipment having a height slightly less than the second height.

23. An audio rack according to claim 12, wherein at least one of the first and second storage spaces includes a pair of guides disposed on the respective first or second side surfaces for guiding at least one of the first and second electrical equipments into the respective one of the first and second storage spaces, so as to position at least one of the first and second electrical equipments in desired positions within the audio rack.

IX. **Evidence Appendix**

None

X. Related Proceedings Appendix

None